

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DIETGOAL INNOVATIONS LLC §
§
v. § Case No. 2: 12-CV-761-JRG-RSP
§ LEAD CASE
KELLAN RESTAURANT MANAGEMENT §
CORP. D/B/A 54TH STREET GRILL & BAR §

DIETGOAL INNOVATIONS LLC §
§
v. § Case No. 2: 12-CV-768-JRG-RSP
§
FRESHII §

DIETGOAL INNOVATIONS LLC §
§
v. § Case No. 2: 12-CV-775-JRG-RSP
§
TACO JOHN'S INTERNATIONAL, INC. §

DIETGOAL INNOVATIONS LLC §
§
v. § Case No. 2: 12-CV-778-JRG-RSP
§
BIGLARI HOLDINGS INC., et. al. §

DIETGOAL INNOVATIONS LLC §
§
v. § Case No. 2: 12-CV-779-JRG-RSP
§
TROPICAL SMOOTHIE CAFE, LLC §

DIETGOAL INNOVATIONS LLC §
§
v. § Case No. 2: 13-CV-42-JRG-RSP
§
MRS. FIELDS FAMOUS BRANDS, LLC §

CONSOLIDATION ORDER

The Court has reviewed the pleadings and has observed that the same patents are asserted in all of these cases. Given that there are common questions of law and fact, at least with respect to claim construction, and in order to prevent conflicting rulings and to avoid unnecessary cost and delay, the Court hereby consolidates the cases for pretrial purposes only, with Case No. 2:12-CV-761 designated as the lead case. All future filings must be made in the lead case until this consolidation order is vacated.

The parties shall meet and confer regarding any modifications to the docket control order and discovery order that may be necessary to accommodate consolidation of these cases.

SIGNED this 11th day of July, 2013.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE